

## **ENVIRONMENTAL IMPROVEMENT BOARD MINUTES OF THE APRIL 11, 2003 MEETING**

The April meeting of the Environment Improvement Board (EIB) was held at the City Government Building in Albuquerque, New Mexico on April 11, 2003. Mr. Clifford Stroud called the meeting to order at approximately 9:40 a.m.

### **Item #1: Roll Call**

Members Present: Ms. Gay Dillingham  
Mr. Clifford Stroud  
Mr. Gregory Green  
Mr. Harold Tso  
Mr. Jeff Thomas  
Ms. Gwen Wardwell

### **Item #2: Approval of Agenda**

**ACTION: Mr. Green made a motion to remove item # 11 from the agenda. Mr. Tso seconded. Motion carried unanimously.**

**ACTION: Mr. Tso made a motion to approve the agenda with the stipulation that item #14's Public Notice be faxed and presented to the Board. Mr. Green seconded. Motion carried unanimously.**

### **Item #3: Public Comment Period – 9:30am – 10:00am**

Mr. Link Summers, Certified Waste Water Operator, introduced himself to the Board and updated the Board on issues he will be proposing to the Board regarding the Liquid Waste Rules.

### **Item #4: Election Officers**

**ACTION: Mr. Tso made a motion to appoint Gay Dillingham as Chair of the Environmental Improvement Board. Mr. Stroud seconded. Motion carried Unanimously.**

**ACTION: Mr. Tso made a motion to appoint Clifford Stroud as Vice Chair of the Environmental Improvement Board. Mr. Wardwell seconded. Motion carried unanimously.**

**ACTION: Ms Wardwell made a motion to appoint Gregory Green as Secretary of the Environmental Improvement Board. Mr. Thomas seconded. Motion carried unanimously.**

**Item #5: Open Meeting Resolution**

Ms. Smith presented a draft of the Open Meetings Resolution to the Board and informed the Board that the blanks must be filled in. At this time the Board read over the Resolution and filled in the blanks.

**ACTION:** **Ms. Wardwell made a motion to have the EIB meetings on the first Tuesday of the month. Mr. Stroud seconded. Motion carried unanimously.**

**ACTION:** **Mr. Green made a motion to approve the Open Meetings Resolution as revised. Mr. Tso seconded. Motion carried unanimously.**

**Item #6: Set proposed rule making for tele-conference calls**

Ms. Smith recommended to the Board that they allow the Administrator and herself time to investigate the rule making process for tele-conference calls.

**ACTION:** **Mr. Tso made a motion that Counsel and the Administrator of the Environmental Improvement Board have time to investigate the rule making for tele-conference call and bring back the information to the Board. Ms. Wardwell seconded. Motion carried unanimously.**

**Item #7: Approval of January 10, 2003 & March 28, 2003 meeting minutes**

After discussion and amendments to the minutes the following action was taken:

**ACTION:** **Mr. Stroud made a motion to approve the January 10, 2003 minutes as amended. Mr. Thomas seconded. Motion carried unanimously.**

**ACTION:** **Ms. Wardwell made a motion to approve the March 28, 2003 meeting minutes. Mr. Stroud seconded. Motion carried unanimously.**

**Item #8: Legislative Updates**

Mr. Jim Norton gave updates on the following bills:

- HB 25 – Tire Recycling Fees (signed by the Governor).
- HB 114 – Permit Use of Gray Water (has been signed by the Governor).
- SB 202 – Hazardous Waste Permit Management Fee (signed by the Governor).
- SB 704 – Creating the Water Recreation Facilities Fund: Prescribing Fees (signed by the Governor).
- SB 711 – Exempt prescribing fire from the Air Quality Act (The Department disagrees with this bill and is requesting it be vetoed).

- HB 849 – Secretary of Environmental Enforcement Powers (signed by the Governor).
- SM 4 – Late Night
- HB 291 – San Juan Basin Ozone Study (signed by the Governor).
- Cotton Gins Bill

**Item #9: Presentation by Air Quality Bureau, Radiation Bureau and Petroleum Storage Tank Bureau**

Mr. Norton gave a brief overview of the Environmental Protection Division. Mr. Norton stated that there are four Bureaus’ in this Division, which are:

- Air Quality Bureau
- Occupational Health and Safety Bureau
- Solid Waste Bureau
- Petroleum Storage Tank Bureau

Mr. Norton introduced Rita Trujillo, Air Quality Bureau. Ms. Trujillo stated the mission of the Air Quality Bureau is “to protect the inhabitants and natural beauty of New Mexico by prevention the deterioration of air quality.” Ms. Trujillo gave a power point presentation on the Air Quality Bureau programs, which include:

- Planning
- Operations
- Permitting
- Compliance & Enforcement

Ms. Trujillo informed the of the following upcoming regulations:

- Technical revision for pollution control devices.
- Permit fees.
- Transportation Conformity
- Volatile Organic Compounds in construction permitting program to account for ozone.
- Regional Haze: Prescribed Fire, Open Burning, Inter-jurisdictional Market Trading of Emission Credits.
- “Best System of Emission Reduction” for Cotton Gins.

**At this time Chair Dillingham asked to move to item #14.**

**Item 14: Hearing of and possible decision to consider Amendments to Parts 1, 3, 4, 12, and 15 of the New Mexico Radiation Protection Regulations (20.3 NMAC). (EIB 03-03)**

Mr. Tim Dolan, Counsel for the Radiation Bureau, noted that there has been an error in the Public Notice and informed the Board that the New Mexico Radiation Bureau will come before the Board next month to request that this hearing be rescheduled.

**Returned back to Item #9**

Mr. Norton introduced Jerry Schoeppner, Bureau Chief of the Petroleum Storage Tank Bureau. Mr. Schoeppner stated that the mission of the Petroleum Storage Tank Bureau is “to protect hum health and environment by preventing, detecting, mitigating and remediating releases from tanks that store regulated substances.” Mr. Schoeppner gave a power point presentation on the Petroleum Storage Tank programs, which include:

- Remedial Action Program
- Regulation & Information Management
- Prevention/Inspection Program
- Office of Finance and Budget

Mr. Schoeppner informed the Board that the PSTB would be coming for hearing in May on the Regulations Parts 1, and 4-8 and in June on Parts 1, and 9-16.

Mr. Norton introduced Bill Floyd, Program Manager of the Radiation Protection Program. Mr. Floyd gave a power point presentation on the Radiation Protection Program, which include:

- Radiation and Licensing Program
- WIPP Program
- Radon Program
- Involvement in National Security Issues

**Item #10: Petition by the Hazardous Waste Bureau for Public Hearing to Consider Proposed Amendments to Title 20, Chapter 4, Part 1 of the New Mexico Administrative Code. (EIB 03-02)**

Chuck Noble requested a public hearing to consider Proposed Amendments to Title 20, Chapter 4, Part 1 of the New Mexico Administrative Code

**ACTION: Ms. Wardwell made a motion to set a hearing for July 1, 2003 to consider proposed Amendments to Title 20, Chapter 4, Part 1 of the New Mexico Administrative Code. Mr. Stroud seconded. Motion carried unanimously.**

**ACTION: Ms. Dillingham made a motion to appoint Mr. Green as Hearing Officer for the July 1, 2003 hearing to consider Proposed Amendments to Title 20, Chapter 4, Part 1 of the New Mexico Administrative Code. Mr. Tso seconded. Motion carried unanimously.**

**Item #12: Petition by ACI – In the matter of setting for hearing to Amend Air Quality Control Regulation 20 NMAC 2.72.219B (EIB 02-01)**

Bill Scott, Counsel for Associated Commerce and Industry, requested a public hearing for July 1, 2003, to Amend Air Quality Control Regulation 20 NMAC 2.72.219B.

**ACTION:** **Mr. Green made a motion to set a hearing for July 1, 2003 in the matter to Amend Air Quality Control Regulation 20 NMAC 2.72.219B and volunteered as hearing officer. Mr. Tso seconded. Motion carried unanimously.**

**Item #13:** **Hearing of and possible decision to consider Proposed Regulatory Revisions to the following Air Quality regulations: 20.2.77 NMAC & 20.2.82 NMAC. (EIB 02-16)**

**ACTION:** **Mr. Green made a motion that Mr. Stroud sit as hearing officer to consider Proposed Regulatory Revision to the following Air Quality regulation: 20.2.77 NMAC & 20.2.82 NMAC. Mr. Tso seconded. Motion carried unanimously.**

Mr. Stroud read the opening statement and the hearing began at 12:30pm.

**ACTION:** **Mr. Stroud, Hearing Officer, announced that the hearing was concluded and that the Board shall reach a decision within 60 days after the close of the record on the date of the hearing officers report if filed which ever is later. If during this deliberation, the Board determines that they need additional testimony or documentary evidence is necessary for a proper decision the board may reopen the hearing for such additional evidence only. The Boards decision shall include the reasons for the action taken.**

**Item #15: Other Business**

Mr. Green asked that the Environment Department do a presentation on New Source Review and how it may reflect the State.

**Item #16 Next Meeting**

The next meeting of the Environmental Improvement Board will be May 8-9, 2003 in Santa Fe, New Mexico at the State Capitol Building.

**Item #17: Adjourn**

**ACTION:** **Mr. Green made a motion to adjourn. Mr. Tso seconded. Motion carried unanimously.**